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22 CHINA & ASIA TRAVEL SERVICE, INC.,

23 D/B/A CHINA INTERNATIONAL TRAVEL

24 SERVICE (USA)

25 UNITED STATES DISTRICT COURT

26 NORTHERN DISTRICT OF CALIFORNIA

27 SAN FRANCISCO DIVISION

28 CHINA INTL TRAVEL SERVICES (USA),
INC.,

Plaintiff,

v.

CHINA & ASIA TRAVEL SERVICE, INC.,
D/B/A CHINA INTERNATIONAL TRAVEL
SERVICE (USA), and DOES 1-10, inclusive,

Defendants.

CASE NO. 08-cv-01293 (MEJ)

**DECLARATION OF VIRGINIA
MCNITT IN SUPPORT OF
DEFENDANT'S MOTION TO DISMISS
OR, IN THE ALTERNATIVE, FOR
SUMMARY JUDGMENT ON ALL
COUNTS OF PLAINTIFF'S
COMPLAINT**

1 I, VIRGINIA MCNITT, declare as follows:

2 1. I am the Manager of Library Services with the law firm of Finnegan, Henderson,
3 Farabow, Garrett & Dunner, LLP, counsel for Defendant China & Asia Travel Service, Inc., d/b/a
4 China International Travel Service (USA)'s ("Defendant"). I make this Declaration in support of
5 Defendant's Motion to Dismiss or, In the Alternative, for Summary Judgment. I have personal
6 knowledge of the facts stated therein and if called as a witness, could and would competently testify
7 thereto.
8

9 2. On March 28, 2008, I accessed Defendant's Internet website, located at
10 www.citsusa.com. A true and correct copy of the home page is attached as Exhibit A to this
11 Declaration.

12 3. On March 28, 2008, I accessed Plaintiff's Internet website, located at
13 www.usacits.com. I navigated to the "About Us" page located on that website at
14 http://www.usacits.com/china_EN/about.htm. A true and correct copy of that page is attached as
15 Exhibit B to this Declaration.
16

17 4. As part of my duties, I am called upon to research past versions of Internet websites
18 and I am familiar with methods for doing so.

19 5. On March 28, 2008, I used the Internet Archive's WayBack Machine to access
20 archived versions of Defendant's website. First I accessed the website for The Internet Archive
21 located at http://www.archive.org. A printout of that site's homepage is attached as Exhibit C. The
22 Internet Archive was founded in 1996 to provide a permanent record of the origins and evolution of
23 the Internet, in particular, to create a permanent collection of what websites looked like and how
24 they evolved over time. In October 2001, the Internet Archive launched the WayBack Machine
25 search engine feature to allow the public to search and view the content of the Internet Archive's
26 collection of website pages.
27
28

1 6. I used the WayBack Machine to access an archived version of Defendant's website
2 by typing "www.citsusa.com" into the search request box. The search on the WayBack Machine
3 returned numerous hits for archived versions of Defendant's website organized by year and date. A
4 true and correct copy of the page showing those search results is attached as Exhibit D to this
5 Declaration. This shows that the website has been consistently updated.

6
7 7. I then clicked on the links to view Defendant's website as it appeared on the dates
8 identified below.

9 8. I have not altered the pages in any way except to size them to fit on a single page.

10 9. On March 28, 2008, I accessed Internet Archive's Internet website, located at
11 www.archive.org, and accessed an archived home page and "Contact Us" page of www.citsusa.com
12 as it appeared in on December 2, 1998. A true and correct copy of the home page and "Contact Us"
13 page from December 2, 1998 are attached as Exhibit E to this Declaration.

14
15 10. On March 28, 2008, I accessed Internet Archive's Internet website, located at
16 www.archive.org, and accessed an archived home page and "Contact Us" page of www.citsusa.com
17 as it appeared on October 12, 1999. A true and correct copy of the home page and "Contact Us"
18 page from October 12, 1999 are attached as Exhibit F to this Declaration.

19 11. On March 28, 2008, I accessed Internet Archive's Internet website, located at
20 www.archive.org, and accessed an archived home page and "Contact Us" page of www.citsusa.com
21 as it appeared in 2000. A true and correct copy of the home page and "Contact Us" page from
22 December 19, 2000 are attached as Exhibit G to this Declaration.

23
24 12. On March 28, 2008, I accessed Internet Archive's Internet website, located at
25 www.archive.org, and accessed an archived home page and "Contact Us" page of www.citsusa.com
26 as it appeared on December 1, 2001. A true and correct copy of the home page and "Contact Us"
27
28

1 page from December 1, 2001 are attached as Exhibit H to this Declaration.

2 13. On March 28, 2008, I accessed Internet Archive's Internet website, located at
3 www.archive.org, and accessed an archived home page and "Contact Us" page of www.citsusa.com
4 as it appeared on December 2, 2002. A true and correct copy of the home page and "Contact Us"
5 page from December 2, 2002 are attached as Exhibit I to this Declaration.

6 14. On March 28, 2008, I accessed Internet Archive's Internet website, located at
7 www.archive.org, and accessed an archived home page and "Contact Us" page of www.citsusa.com
8 as it appeared on December 11, 2003. A true and correct copy of the home page and "Contact Us"
9 page from December 11, 2003 are attached as Exhibit J to this Declaration.

10 15. On March 28, 2008, I accessed Internet Archive's Internet website, located at
11 www.archive.org, and accessed an archived home page and "Contact Us" page of www.citsusa.com
12 as it appeared June 7, 2004. A true and correct copy of the home page and "Contact Us" page from
13 June 7, 2004 are attached as Exhibit K to this Declaration.

14 16. On March 28, 2008, I accessed Internet Archive's Internet website, located at
15 www.archive.org, and accessed an archived home page of www.citsusa.com as it appeared on
16 December 28, 2005. A true and correct copy of the home page from December 28, 2005 is attached
17 as Exhibit L to this Declaration.

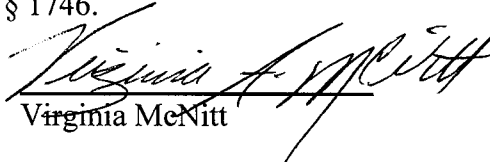
18 17. On March 28, 2008, I accessed Internet Archive's Internet website, located at
19 www.archive.org, and accessed an archived home page of www.citsusa.com as it appeared on
20 December 17, 2006. A true and correct copy of the home page from December 17, 2006 is attached
21 as Exhibit M to this Declaration.

22 18. On March 28, 2008, I accessed Internet Archive's Internet website, located at
23 www.archive.org, and accessed an archived home page of www.citsusa.com as it appeared on June
24

1 15, 2007. A true and correct copy of the home page from June 15, 2007 is attached as Exhibit N to
2 this Declaration.
3

4 I declare under penalty of perjury under the laws of the United States of America that the
5 foregoing is true and correct pursuant to 28 U.S.C. § 1746.
6

7 Date: March 31, 2008


Virginia McNitt

China Intl Travel Services (USA), Inc.

v.

China & Asia Travel Service, Inc, et al.

Case No. 08-cv-01293

DECLARATION OF VIRGINIA MCNITT IN SUPPORT OF DEFENDANT'S MOTION TO
DISMISS OR, IN THE ALTERNATIVE, FOR SUMMARY JUDGMENT ON ALL
COUNTS OF PLAINTIFF'S COMPLAINT

EXHIBIT A

CITS USA

Site Map Privacy Policy Terms & Conditions

Home Tour Packages China Visa Tour Modules Related Services Contact Us

search

Hotel Information / Sit-In-Couch

Shortest way to China - CITS USA



Health Info

CITS HQ

Yangtze River

Passport Renewal

US Embassy

Currency Exchange

Weathers

Our Cruisers

Testimonial

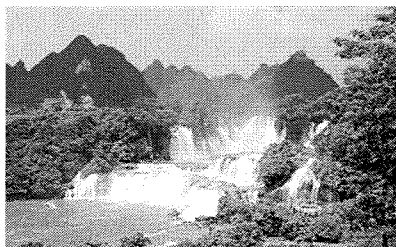
Related Services

China Visa

Air Tickets

Hotel Bookings

Yangtze Cruises



No longer than three decades ago when, China first opened its doors to the outside world, it was full of mysteries, charms and unknown. Today's China, though retains its awesome beauty, is full of hopes and opportunities - opportunities of all kinds, ushering a gold rush in a new ear. As the only USA branch of CITS Head Office, the leading and most prestigious tour company in China, we are here to pave your way to this familiar yet strange land for pleasure or business, with all of the following services and more: travel guidance, tour arrangements, information advice and other travel-related services. You name it, we'll be sure to help you.

Beijing 2008 Olympic Game Pre - Tour

Explore the country while with focusing your visit to Beijing 2008 Olympic Games.

Train Tour Tibet 2008

Adventure tour to Tibet on rail which trespasses the highest land on earth and exciting journey from Shangri-la to Lhasa.

Tour Packages

The state-of-art itineraries are created by our professionals in conjunctions to available transportation schedules and hotel blocking. No matter what type of package you select, our job is to realize your needs and plans.

China Visa

To have your passport is your number one priority before traveling. Check to ensure if your passport is suitable for the China travel plan; check the time of obtaining a China visa. If you are not sure, call the number to the left or email us with your questions. Our voicemail and email are checked regularly 24/7 and all your questions will be answered.

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We offer following air / train services within China and China / Hong Kong.
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- China Southern Airline (CZ)
- China Eastern Air (MU)
- United Air (UA)
- Northwest Airlines (NW)
- Continental Airlines (CO)
- American Airline (AA)
- Japan Airline (JA)
- All Nippon Airway (NH)

-- China Domestic Air including To and From Hong Kong

-- International Train Tickets

Beijing - Moscow,
Russia

Beijing - Ulan Bator,
Mongolia



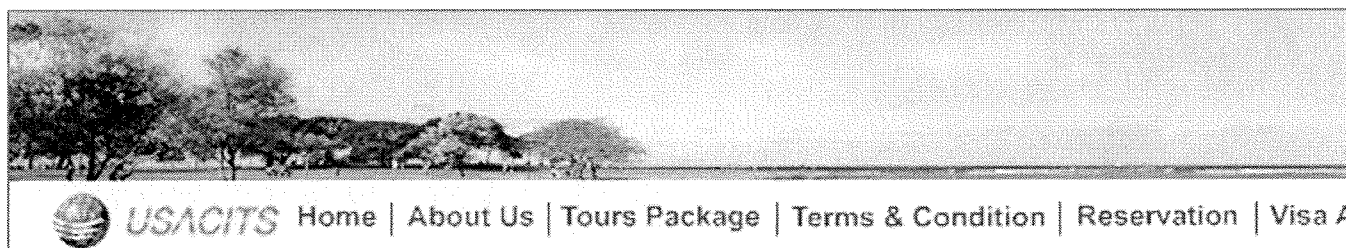
Money Transfer to
China

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China Intl Travel Services (USA), Inc.
v.
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Case No. 08-cv-01293

DECLARATION OF VIRGINIA MCNITT IN SUPPORT OF DEFENDANT'S MOTION TO
DISMISS OR, IN THE ALTERNATIVE, FOR SUMMARY JUDGMENT ON ALL
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EXHIBIT B



We the China International Travel Services(U.S.A.),Inc are an oversea branch of a large Chinese travel enterprise and a professional organization which specializes in tourism and sightseeing, business tours and visits,training programs,conferences and exhibitions investment and business, and culture exchanges in and between China and the U.S. We have a team of experienced and service-oriented professionals who can design,arrange and providevarious kinds of travel service to you. We also have a lot of affiliated branches and partners in different parts of China and the U.S..Providing our customers and clients with safe,comfortable and solid service and having received highly positive remarks for ourservice over the years.

Based on our long-time experience and on the feedback and request from our customers and clients,we have just developed the"Holiday and vacation travel in China"travel series,which include many carefully-designed travel routes in China.

Our goal is to"rovide our customers and clients with professional and solid service, and leave them a beautiful and unforgettablememory".




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v.
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Case No. 08-cv-01293

DECLARATION OF VIRGINIA MCNITT IN SUPPORT OF DEFENDANT'S MOTION TO
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EXHIBIT C



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[Search engine woes](#)

[Zotero and Internet Archive join forces](#)

Web 65 billion pages

waybackmachine

[http://](#)

[Take Me Back](#) [Advanced Search](#)

Welcome to the Archive [RSS](#)

The Internet Archive is building a digital library of Internet sites and other cultural artifacts in digital form. Like a paper library, we provide free access to researchers, historians, scholars, and the general public.

Moving Images 111,039 movies

[Browse](#) (by keyword)

[Yosemite Wonders](#)
Half Dome and El Capitan. Nevada and Bridal Veil Falls. These names conjure up so many different...

[Windows Enhancements - Hardware](#)
Average rating: ☆☆☆☆☆

[12V Bicycle Sound System Workshop in the UK.](#)
Average rating: ☆☆☆☆☆

Live Music Archive 47,602 concerts

[Browse](#) (by band)

[Live Music Archive](#)
[Erez Perelman Live at The Lor House on 2006-01-12](#)
Disk 1 1. Aran's Intro 2. small talk 3. Prelude 1 by Villa Lobos with Flamenco intro 4. Choro by...

[U-Melt Live at River Street Jazz Cafe on 2008-02-23](#)
Average rating: ☆☆☆☆☆

[Jacob Fred Jazz Odyssey Live at Antone's on 2005-01-15](#)
Average rating: ☆☆☆☆☆

Audio 240,778 recordings

[Browse](#) (by keyword)

[Elin - Undertones \[NTT044\]](#)
After her first effort for Entity in 2004 ([NTT009] Elin - Impressions), Elin Anna...

[thanksgiving jam](#)
Average rating: ☆☆☆☆☆

[Ian D Hawgood - Spiral Into Somewhere](#)
Average rating: ☆☆☆☆☆

Texts 373,842 texts

[Browse](#) (by keyword)

[English embroidered bookbindings](#)

[With Washington at Monmouth. A story of three Philadelphia boys](#)
Average rating: ☆☆☆☆☆

[The treasure-finders : a boy's adventures in Nicaragua](#)
Average rating: ☆☆☆☆☆

Most recent posts (write a post by going to a forum) more...

China Intl Travel Services (USA), Inc.
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DECLARATION OF VIRGINIA MCNITT IN SUPPORT OF DEFENDANT'S MOTION TO
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EXHIBIT D



Enter Web Address: All Adv. Search Compare Archive Pages

Searched for <http://www.citsusa.com/>

242 Results

* denotes when site was updated.
Material typically becomes available here 6 months after collection. See FAQ.

Search Results for Jan 01, 1996 - Sep 30, 2007

1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
0 pages	0 pages	2 pages	4 pages	20 pages	13 pages	22 pages	31 pages	42 pages	66 pages	28 pages	14 pages
		Dec 02, 1998	* Apr 23, 1999	Mar 01, 2000	* Feb 01, 2001	Jan 19, 2002	Jan 26, 2003	Feb 05, 2004	Jan 29, 2005	* Feb 04, 2006	* Jan 06, 2007
		Dec 12, 1998	Apr 27, 1999	Mar 04, 2000	Feb 02, 2001	Feb 02, 2002	Feb 05, 2003	Mar 25, 2004	* Jan 31, 2005	Feb 04, 2006	Jan 11, 2007
			Sep 02, 1999	* Apr 07, 2000	Feb 02, 2001	Mar 24, 2002	Feb 05, 2003	Apr 03, 2004	Feb 05, 2005	* Feb 28, 2006	* Jan 15, 2007
			Oct 12, 1999	Apr 17, 2000	Feb 03, 2001	Mar 29, 2002	Feb 13, 2003	May 26, 2004	Feb 13, 2005	* Mar 02, 2006	Jan 20, 2007
				May 02, 2000	Feb 03, 2001	Mar 31, 2002	Feb 17, 2003	Jun 04, 2004	Feb 18, 2005	* Apr 16, 2006	Jan 25, 2007
				May 11, 2000	Mar 02, 2001	Apr 05, 2002	Mar 24, 2003	Jun 05, 2004	Mar 06, 2005	* May 24, 2006	* Feb 11, 2007
				May 20, 2000	Apr 01, 2001	May 23, 2002	* Mar 28, 2003	Jun 07, 2004	Mar 13, 2005	* May 26, 2006	* Feb 21, 2007
				Jun 21, 2000	Apr 05, 2001	May 26, 2002	Apr 06, 2003	Jun 09, 2004	Mar 16, 2005	Jun 13, 2006	* Feb 22, 2007
				Aug 16, 2000	Apr 05, 2001	Jun 02, 2002	Apr 08, 2003	Jun 09, 2004	* Mar 18, 2005	Jun 13, 2006	* Feb 28, 2007
				Aug 19, 2000	May 16, 2001	Jun 04, 2002	Apr 08, 2003	Jun 09, 2004	* Mar 20, 2005	Jun 16, 2006	* Mar 09, 2007
				Oct 18, 2000	* Aug 15, 2001	Jun 05, 2002	Apr 21, 2003	Jun 10, 2004	* Mar 25, 2005	Jun 20, 2006	Apr 09, 2007
				Oct 18, 2000	Sep 25, 2001	Jun 05, 2002	Apr 22, 2003	Jun 11, 2004	* Mar 26, 2005	Jun 29, 2006	Jun 15, 2007
				Oct 18, 2000	Dec 01, 2001	Aug 06, 2002	* May 25, 2003	Jun 14, 2004	* Apr 05, 2005	Jul 13, 2006	Jun 25, 2007
				Oct 19, 2000		Sep 21, 2002	Jun 03, 2003	Jun 16, 2004	* Apr 10, 2005	Jul 13, 2006	Jun 29, 2007
				Oct 27, 2000		Sep 24, 2002	Jun 10, 2003	Jun 19, 2004	Apr 16, 2005	Jul 21, 2006	
				Nov 01, 2000		Sep 26, 2002	Jun 22, 2003	Jun 26, 2004	Apr 21, 2005	Aug 10, 2006	
				Dec 06, 2000		Oct 18, 2002	Jul 28, 2003	Jul 01, 2004	Apr 22, 2005	Aug 11, 2006	
				Dec 07, 2000		Nov 23, 2002	* Aug 01, 2003	Jul 10, 2004	Apr 25, 2005	Aug 14, 2006	
				Dec 09, 2000		Nov 26, 2002	Aug 03, 2003	Jul 14, 2004	Apr 27, 2005	Aug 31, 2006	
				Dec 19, 2000		Nov 28, 2002	Aug 05, 2003	Jul 15, 2004	Apr 28, 2005	Oct 04, 2006	
						Nov 30, 2002	Sep 22, 2003	Jul 16, 2004	May 12, 2005	Oct 28, 2006	
						Dec 02, 2002	Oct 06, 2003	Jul 17, 2004	May 19, 2005	Nov 03, 2006	
							Oct 09, 2003	Jul 19, 2004	Jun 01, 2005	Nov 12, 2006	
							Oct 11, 2003	Jul 21, 2004	Jun 07, 2005	Dec 05, 2006	
							Oct 28, 2003	Jul 23, 2004	Jul 14, 2005	Dec 07, 2006	
							Nov 21, 2003	Jul 24, 2004	Jul 31, 2005	Dec 12, 2006	
							Nov 24, 2003	Jul 26, 2004	Aug 07, 2005	Dec 17, 2006	
							Dec 01, 2003	Jul 30, 2004	Aug 10, 2005	Dec 27, 2006	
							Dec 08, 2003	Jul 30, 2004	Aug 14, 2005		
							Dec 11, 2003	Aug 14, 2004	Aug 16, 2005		
							Dec 30, 2003	Aug 26, 2004	Aug 25, 2005		
								Aug 29, 2004	Aug 28, 2005		
								Aug 30, 2004	Aug 29, 2005		
								Aug 31, 2004	Aug 31, 2005		
								Sep 03, 2004	Sep 05, 2005		
								Sep 23, 2004	Sep 08, 2005		
								Sep 25, 2004	Sep 14, 2005		
								Oct 16, 2004	Sep 18, 2005		
								Oct 20, 2004	Sep 21, 2005		
								Nov 26, 2004	* Sep 30, 2005		
								Nov 29, 2004	* Oct 01, 2005		
								Dec 29, 2004	* Oct 13, 2005		
									Oct 28, 2005		
									Oct 29, 2005		
									Oct 31, 2005		
									Nov 02, 2005		
									Nov 25, 2005		
									Nov 27, 2005		
									Dec 04, 2005		
									Dec 06, 2005		
									Dec 08, 2005		
									Dec 10, 2005		
									Dec 10, 2005		
									Dec 11, 2005		
									Dec 14, 2005		
									Dec 14, 2005		
									Dec 15, 2005		
									Dec 18, 2005		
									Dec 21, 2005		
									Dec 22, 2005		
									Dec 24, 2005		
									Dec 28, 2005		
									Dec 28, 2005		
									Dec 31, 2005		

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DECLARATION OF VIRGINIA MCNITT IN SUPPORT OF DEFENDANT'S MOTION TO
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EXHIBIT E

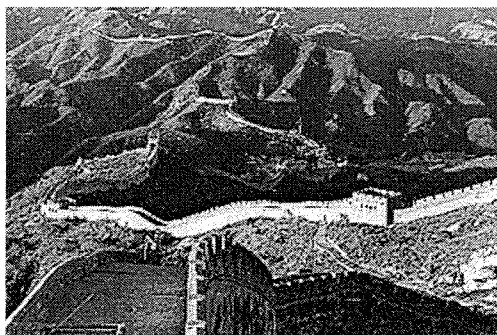


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How to Contact with CITS USA



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Click [here to contact us online](#). We will get in touch with you as soon as possible. If you only need us to book hotel, please submit [the hotel reservation form](#).



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DECLARATION OF VIRGINIA MCNITT IN SUPPORT OF DEFENDANT'S MOTION TO
DISMISS OR, IN THE ALTERNATIVE, FOR SUMMARY JUDGMENT ON ALL
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EXHIBIT F

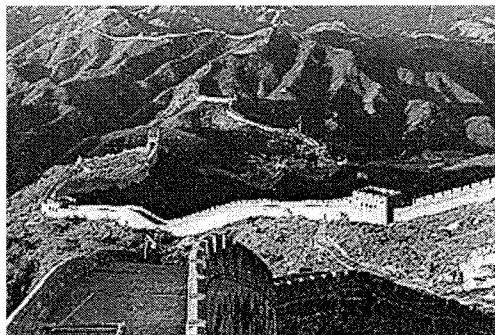


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CITS (USA) Web Site is going to be a place where you can easily find travel-related information you need about China. You may also check out kinds of services which we can provide you. We hope this site will be helpful resources to you. Whenever you plan to go to China on business or for leisure, come to visit our site and see what we can do for you.

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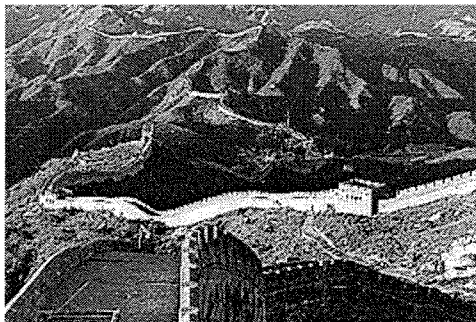


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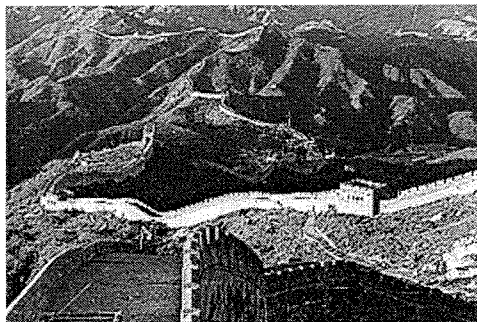


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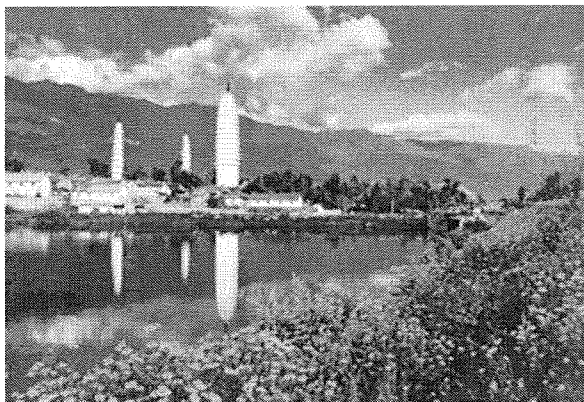
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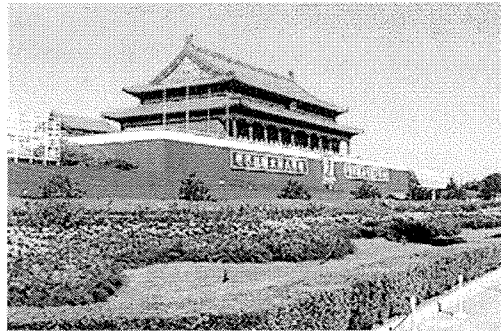


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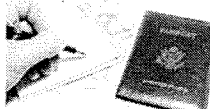
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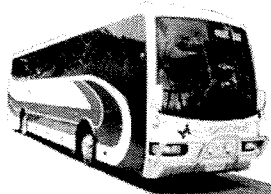
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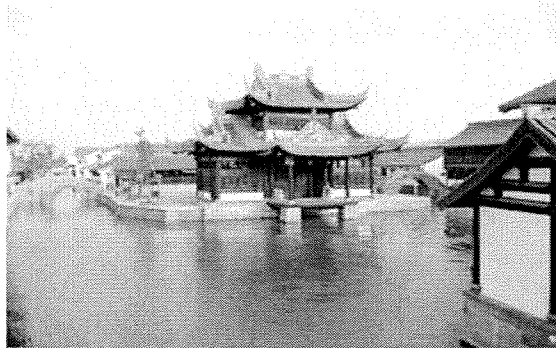
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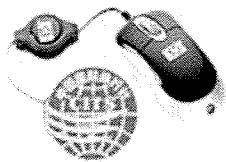
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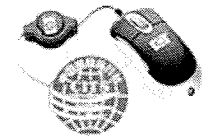
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